

Note: If the allegation involves the possible impairment of a health care professional due to a substance use and/or mental health disorder, BHCS may refer the licensee to the Health Professional Recovery Program (HPRP). The HPRP is designed to protect the public while helping the health care professional address his or her issue.

2. The allegation is investigated. A BHCS investigator will interview witnesses and collect evidence related to the allegation. If the evidence does not support the allegation, the case will be closed.

3. An Administrative Complaint is filed if the evidence supports that a violation of the Public Health Code has occurred.

4. A settlement conference may be held. This is similar to a plea bargain in a court case and is an opportunity for the health care professional to reach a settlement without having to address the issue at an administrative hearing. This may result in a health care professional being sanctioned, which could include being fined, placed on probation, or suspended from practice. If an agreement is reached, the proposed settlement must be approved by the disciplinary subcommittee (DSC) of the appropriate licensing board before it becomes final. If a settlement is not reached or if the DSC rejects the proposed settlement, the case proceeds to an administrative hearing.

5. An Administrative Hearing is held to determine the facts of the case, what laws or rules apply, and whether the health care professional violated the Public Health Code. After the hearing, the administrative law judge submits a Proposal for Decision (PFD) regarding the hearing for review and determination by the appropriate DSC.

6. The Disciplinary Subcommittee takes action. After reviewing the administrative law judge's PFD, the DSC has the option of dismissing the Administrative Complaint or taking the disciplinary action against the health care professional as provided under the Public Health Code.

Q. Is the DSC's decision final?

A. The health care professional may appeal the DSC's decision with the Michigan Court of Appeals.

Q. How can I find out if disciplinary action has been taken against a health care professional?

A. Disciplinary action taken against a health care professional is public information. You can obtain information about disciplinary actions by:

■ **WEBSITE:**
<http://www.michigan.gov/healthlicense>
Click on "Disciplinary Action Reports" under "Resources" on the Health Professions Division home page.

■ **LOCAL PUBLIC LIBRARIES:** Ask your local public library for a copy of the annual Disciplinary Action Report of the Enforcement Division.

■ **SUBMIT A WRITTEN REQUEST TO:**
Department of Licensing & Regulatory Affairs
Freedom of Information Coordinator
BHCS/Administrative Support Division
P.O. Box 30670
Lansing MI 48909-8170

■ **FAX YOUR WRITTEN REQUEST TO:**
(517) 241-1212

A Citizen's Guide To Filing an Allegation Against a Health Care Professional

**Bureau of Health Care Services
Enforcement Division
Michigan Department of
Licensing and
Regulatory Affairs**

BHCS/ED-100 (12/13)

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At some point, everyone will require and benefit from the services provided by a health care professional. Unfortunately, there will also be occasions when a health care professional may fail to provide the quality care that you expect and are entitled to as a resident of the state of Michigan.

The mission of the Enforcement Division within the Bureau of Health Care Services (BHCS) is to protect the health, safety and welfare of the citizens of Michigan through implementation and enforcement of laws involving the licensing and regulation of health professionals. As part of that mission, BHCS has prepared this Citizen's Guide to answer the questions that consumers frequently ask when filing an allegation against a licensed or registered health care professional.

BHCS distinguishes between allegations and complaints. An allegation is filed when someone "alleges" that a health care professional violated the Public Health Code. This is the first step in a possible disciplinary action. The allegations, typically filed by consumers, involve health care professionals providing substandard care or practicing outside the scope (area of expertise) of their license.

The State files an Administrative Complaint against a health care professional when the State believes there is enough evidence to prove that the individual violated the Public Health Code and that disciplinary action should be taken against their license or registration.

BHCS hopes that you will find the following information useful.

Q. What health care professions are regulated by BHCS?

A. BHCS regulates the following health care professions in Michigan:

Acupuncture
Athletic Trainers
Audiology
Chiropractic
Counseling
Dentistry

Dietetics & Nutrition
Marriage and Family Therapy
Massage Therapy
Medicine
Nursing (RN, LPN)
Nursing Home Administrators
Occupational Therapy
Optometry
Osteopathic Medicine & Surgery
Pharmacy
Physical Therapy
Physician's Assistant
Podiatric Medicine & Surgery
Psychology
Respiratory Care
Sanitarians
Social Work
Speech-Language Pathology
Veterinary Medicine

NOTE: BHCS's authority is limited to granting licenses or registrations for these professions or taking disciplinary action against licensees/registrants for violations of the Public Health Code. BHCS does not have the authority to resolve fee disputes or conflicts between patients and their health care providers.

Q. How do I file an allegation (a consumer complaint)?

A. All allegations must be in writing. You can obtain an Allegation Form by calling BHCS or accessing our website. The Allegation Form will describe the information you need to provide so that BHCS can process your allegation. For an Allegation form you can write, call or e-mail:

**Department of Licensing & Regulatory Affairs
BHCS/Enforcement Division
P.O. Box 30454
Lansing MI 48909-8170
Phone: (517) 373-9196**

BHPinfo@michigan.gov

The Allegation Form is also available for download on the BHCS website at:

<http://www.michigan.gov/healthlicense>
(Under "General Information" click on "Health Professions Complaints". When the next screen appears, click on "Allegation Packet".)

Q. What information is required?

A. The person filing the allegation must include:

- Your **name** and **contact** information;
- The **name** and **profession** of the licensee or registrant;
- A detailed **description** of the alleged problem or incident, including dates and locations; and,
- **Names** and **addresses** or **phone numbers** of anyone who can provide supporting information.

NOTE: The name of the person filing the allegation will be kept confidential, to the extent possible, unless he or she is required to testify at a hearing (*see step 5*).

Q. What happens after an allegation is filed?

A. The allegation is reviewed to determine if a violation of the Public Health Code has occurred.

1. The review process begins.

Based on this review, BHCS will either request authorization to investigate the allegation, close the allegation with no further action, or close and refer the matter to another state agency if the matter is outside our jurisdiction.